

REMARKS

In the Office Action dated October 13, 2004 13, 2004, claims 1-5, 7-44, and 47 were rejected. Claims 1-41, 43, 44 and 47 are now pending in the application. In view of the remarks, Applicant respectfully requests reconsideration of the application.

Examiner objects to Claims 1, 14, 29, 41, and 47 for lack of support regarding, "Calculating a first portion and a second portion of the charge amount wherein the first portion is associated with the data information that corresponds to a first source and the second portion is associated with the data information that corresponds to a second source." Support is found in Figure 10 and in the specification within paragraphs [0086] through [0090].

Claims 1-5, 7-13 were rejected under U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,892,900 (hereinafter Ginter).

Ginter teaches various redistribution schemes for content as shown in Figures 79, 80, and 81. Further, Ginter teaches various payments that are made to the redistributors for delivering content to the user. (Ginter, column 329, line 66 to column 330, line 8; column 33, lines 64-68; column 332, lines 25-55; and column 332, line 63 to column 333, line 36) In addition, Ginter teaches access and selection by a user from objects from various creators based on various criteria such as media type. (Ginter, column 336, line 66 to column 337, line 33)

However, in marked contrast to Ginter, previously amended Claim 1 includes the limitation, in part, of:

header information for indicating a first charge amount
attributable to a first source and a second charge amount
attributable to a second source for use of the data
information, and wherein the data information is available to

the user and wherein the first charge amount is
automatically transmitted to the first source from the
transaction device and the second charge amount is
automatically transmitted to the second source from the
transaction device wherein the first charge amount
combined with the second charge amount is a total amount
for utilizing the data information

In contrast to Ginter, the invention as described in claim 1 allows a first charge amount and a second charge amount to be determined from utilizing the data information. Further, the first charge amount and the second charge amount are transmitted to a first source and a second source, respectively.

Although Ginter teaches multiple payment methods to various distributors, Ginter fails to teach a payment system that allows the transaction device to transmit the first charge amount and the second charge to **separate** sources for utilizing the data information. Ginter fails to teach payment from a single user to multiple sources (creators).

Ginter fails to teach elements within independent claim 1. Thus, independent claim 1 is now in condition for allowance. In addition, claims 2-5 and 7-13 depend directly or indirectly on claim 1 and, therefore, are patentable for at least the same reasons discussed above.

Claims 14-44 and 47 were rejected under U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,892,900 (hereinafter Ginter).in view of U.S. Patent No. 6,025,868 (hereinafter Russo).

However, in marked contrast to Ginter, previously amended Claims 14, 29, 41, and 47 include the limitation, in part, of:

calculating a first portion and a second portion of the charge amount wherein the first portion is associated with the data information that corresponds to a first source and the second portion is associated with the data information that corresponds to a second source; and automatically transmitting the first portion of the charge amount to the first source and the second portion of the charge amount to the second source

Applicant believes that neither Ginter nor Russo singly or in combination teach, hint or suggest calculating a first portion and a second portion of the charge amount wherein the first portion and the second portion correspond to a first source and a second source, respectively. Further, applicant believes that neither Ginter nor Russo singly or in combination teach, hint or suggest automatically transmitting the first portion and the second portion of the charge amount to the first source and the second source. The Applicant's reasons are the same as the ones offered above.

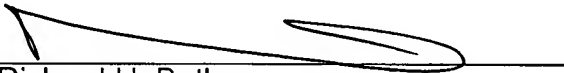
Therefore, Ginter in combination with Russo fails to render claims 14, 29, 41, and 47 unpatentable. Thus, independent claims 14, 29, 41, and 47 are in condition for allowance. In addition, claims 15-28 depend directly or indirectly on claim 14 and therefore, are patentable for at least the same reasons discussed above. Claims 30-40 depend directly or indirectly on claim 29 and therefore, are patentable for at least the same reasons discussed above. Claims 43-44 depend directly or indirectly on claim 41 and therefore, are patentable for at least the same reasons discussed above.

In view of the foregoing remarks and amendments, Applicant respectfully submits that all pending claims are in condition for allowance. Such allowance is respectfully requested.

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to contact Richard H. Butler at (408) 223-9763.

Dated: 1/12/05

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard H. Butler', is written over a horizontal line.

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